

IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

JASON POTTS,

Plaintiff,

v.

**THE AMERICAN NATIONAL BANK
OF TEXAS,**

Defendant.

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Civil Action No. **3:07-CV-1856-L**

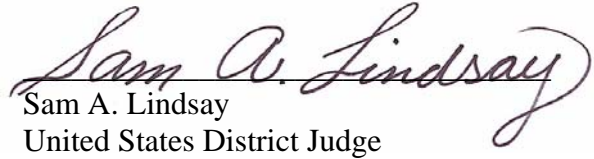
ORDER

Before the court is Defendant[’s] Motion for Stay and to Compel Arbitration, filed November 16, 2007. The court referred the motion to United States Magistrate Judge Paul D. Stickney on November 30, 2007. On February 4, 2008, the Findings, Conclusions, and Recommendation of the United States Magistrate Judge (“Report”) was filed. No objections to the Report have been filed.

In September 2004, Plaintiff accepted employment with The American National Bank of Texas (“ANB”). As a condition of his employment, Plaintiff entered into a Non-Competition and Non-Solicitation Agreement (“Agreement”) with ANB. On October 23, 2007, ANB terminated Plaintiff’s employment. Plaintiff now brings suit against ANB for breach of the Agreement, tortious interference with business relations, conspiracy to interfere with business relations and to breach the Agreement, and business disparagement. ANB moves to stay the action and to compel arbitration of Plaintiff’s claims. Magistrate Judge Stickney found that there was no valid arbitration agreement between Plaintiff and ANB and that ANB failed to show that arbitration is warranted under principles of equitable estoppel.

Having reviewed the motion, record, and the Report in this case, the court determines that the findings and conclusions are correct. The magistrate judge's findings and conclusions are therefore **accepted** as those of the court. The court **denies** Defendant['s] Motion for Stay and to Compel Arbitration.

It is so ordered this 26th day of February, 2008.


Sam A. Lindsay
United States District Judge